
FINAL RECOMMENDATIONS FOR THE PHYSICAL THERAPY BOARD

RECOMMENDATIONS OF THE JOINT COMMITTEE ON BOARDS, COMMISSIONS AND CONSUMER PROTECTION AND THE DEPARTMENT OF CONSUMER AFFAIRS

ISSUE #1: CONTINUE REGULATION OF THE INDUSTRY AND RENEW THE BOARD?

Recommendation #1: *The Joint Committee and the Department recommend that the Board should continue as the regulatory entity responsible for overseeing the profession of physical therapy.*

Department Comments: The Department notes that Physical Therapists (PTs) perform highly specialized procedures on patients. Given the direct impact of PTs on their patients, especially the possibility of physical harm by unqualified practitioners, there is a compelling public need to continue licensing PTs.

ISSUE #2: ELIMINATE LICENSURE OF PT ASSISTANTS BASED ON EQUIVALENT EDUCATION AND EXPERIENCE?

Recommendation #2: *The Joint Committee and the Department recommend retaining the law allowing licensure of PT Assistants based on equivalency.*

Department Comments: Existing law allows a person, who has not graduated from a Board-approved educational program, to qualify as a PT Assistant applicant for licensure as long as he/she has training or experience, or a combination of training and experience which in the opinion of the Board is equivalent to that obtained in an approved PT Assistant education program. The Board has proposed that this existing language be removed.

The Board cites low passage rates on the PT Assistant examination by equivalency applicants as evidence that this is no longer appropriate. However, since the examination is required, there is no danger of unqualified individuals receiving licensure. On the other hand, qualified practitioners already practicing in other countries would experience a substantial barrier to entry if they had to earn a degree in addition to the education they received already.

The ability of individuals to apply for PT Assistant licensure based on equivalent education and experience is an important part of the Practice Act in that it minimizes barriers to entry and should remain as is.

ISSUE #3: SHOULD THE NUMBER OF MEMBERS ON THE BOARD BE INCREASED TO INCLUDE A PT ASSISTANT AND ANOTHER MEMBER OF THE PUBLIC?

Recommendation #3: *The Joint Committee and the Department recommend not increasing the number of Board members.*

Department Comments: Current law mandates that the Board consist of four licensed PTs and three members of the public. The Board has proposed adding two positions: one PT Assistant and one additional public member. It is a policy of the current Administration not to add additional members to boards. Therefore, unless the Board can demonstrate that additional positions are absolutely necessary, no new positions should be created.

ISSUE #4: SHOULD THE BOARD HAVE THE AUTHORITY TO ISSUE TEMPORARY PERMITS TO OUT-OF-STATE PRACTITIONERS?

Recommendation #4: *The Joint Committee and the Department recommend granting the Board the authority to issue Temporary Permits to out-of-state practitioners.*

Department Comments: The Board has requested the authority to grant temporary permits to out-of-state practitioners to practice in California. The Board notes that PTs licensed in other states currently come to California for teaching seminars and as trainers for athletic events. Under current law, such activity is considered unlicensed activity. A temporary permit would allow these practitioners to legally practice on a temporary basis.

Current law allows individuals to apply for licensure without completing a written examination, providing the applicant meets all of the requirements for licensure, is a graduate of an approved education program, and is concurrently licensed in another state. The Board's proposal would add a section authorizing the Board to grant temporary permits to practice as a PT or PT Assistant for 90 days to those who have been approved pursuant this same provision of law. Requiring that practitioners be certified with the Board helps the Board track who is practicing in the state and allows the Board to take disciplinary action as necessary.

Given the need for temporary permits and the precedent set for by a similar provision in the Nursing Practice Act, the Board should be given the authority to grant temporary permits to concurrently licensed out-of-state practitioners. Changes to the law should include provisions that clarify that individuals with temporary permits are subject to the same rules and regulations as licensees and subject to disciplinary action by the Board, and establish a fee that appropriately covers the cost of this program.

ISSUE #5: SHOULD THE BOARD BE REQUIRED TO DENY LICENSURE TO REGISTERED SEX OFFENDERS?

Recommendation #5: *The Joint Committee and the Department recommend granting the Board the authority to deny licensure to applicants required to register as sex offenders pursuant to Penal Code Section 290.*

Department Comments: The Board has proposed that it receive statutory authority to deny applicants who are required to register pursuant to Penal Code Section 290. Due to the direct contact PTs and PT Assistants have with patients, the Board believes this authority is necessary to protect the safety of consumers.

Current law permits the Board to deny licensure based on an applicant's having been convicted of a crime or involvement in dishonest or fraudulent acts substantially related to the qualifications, functions, or duties of the profession (B&P Code Sections 480, 2635).

The Medical Practice Act gives the Medical Board the authority that the Physical Therapy Board seeks. In addition to the authority to deny licensure under B&P Code Section 480, the Medical Board has been given the explicit authority to deny licensure to applicants required to register pursuant to Penal Code Section 290.

Based on the type of work physical therapists engage in with their patients and the precedent set forth by the Medical Practice Act, the Board should be given the authority to deny licensure to applicants required to register pursuant to Penal Code Section 290.

Staff Comments: Penal Code Section 290 requires every person convicted of certain crimes of a sexual nature to register, for the rest of his or her life while residing or working in California, with the chief of police, or the sheriff if residing in an unincorporated area, within five working days of changing his or her residence. The crimes for which a person is required to register under Section 290 include most crimes of a sexual nature, include rape, lewd and lascivious conduct, sex with minors, etc. It also includes indecent exposure, which is generally a misdemeanor unless it is a second offense. However, in the proposed statute provided by the Board, misdemeanor indecent exposure convictions would be exempted from the requirement to deny licensure. This would make it consistent with the Medical Board authority, which also includes the exception for misdemeanor convictions.

ISSUE #6: REQUIRE PARTICIPANTS IN THE DIVERSION PROGRAM TO PAY THE FULL COST OF THEIR PARTICIPATION?

Recommendation #6: *The Joint Committee and the Department recommends, if the diversion program is continued, that the program be changed to require participants to pay the full cost of their participation.*

Department Comments: The Board included in its proposed revisions to the Practice Act changes to the diversion program that would require participants to pay the full costs of their participation in the program. If the diversion program is continued, the Department supports this change and recommends that the Joint Committee amend the diversion program to require participants to pay the full cost of their participation.